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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Brian K. Stallings,)
)
Plaintiff,) CIV 13-00067 PHX RCB MEA
)
v.) ORDER
)
Charles L. Ryan, Thomas A. Bell,)
Nurse Martin, Wexford Health)
Solutions,)
)
Defendants.)
_____)

13 Defendants Ryan and Martin have filed a motion for
14 summary judgment (Doc. 53), with regard to Plaintiff's claims
15 against these Defendants, pursuant to Rule 56 of the Federal
16 Rules of Civil Procedure.

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NOTICE--WARNING TO PLAINTIFF

THIS NOTICE IS REQUIRED TO BE GIVEN TO YOU BY THE COURT¹

Defendants' motion for summary judgment seeks to have
your claims against these Defendants denied as a matter of law.

Rule 56 tells you what you must do in order to oppose
a motion for summary judgment. Generally, summary judgment must
be granted when there is no genuine issue of material fact,
i.e., if there is no real dispute about any fact that would
affect the result of your case, the party who asked for summary
judgment is entitled to judgment as a matter of law. When a
party you are suing makes a motion for summary judgment that is

¹ Rand v. Rowland, 154 F.3d 952, 962 (9th Cir. 1998) (en banc).

1 properly supported by declarations (or other sworn testimony),
2 you cannot simply rely on what your complaint says. Instead,
3 you must set out specific facts in declarations, depositions,
4 answers to interrogatories, or authenticated documents, as
5 provided in Rule 56(e), that contradict the facts shown in the
6 Defendant's declarations and documents and show that there is a
7 genuine issue of material fact for trial. If you do not submit
8 your own evidence in opposition, summary judgment, if
9 appropriate, may be entered against you with regard to your
10 claims against these Defendants.

11 Rule 56.1 of the Local Rules of Civil Procedure for the
12 United States District Court for the District of Arizona also
13 requires, in addition, that you include as a part of your
14 opposition to a motion for summary judgment a separate statement
15 of facts in opposition to the motion for summary judgment.

16 Any party opposing a motion for summary
17 judgment must file a statement, separate from
18 that party's memorandum of law, setting
19 forth: (1) for each paragraph of the moving
20 party's separate statement of facts, a
21 correspondingly numbered paragraph indicating
22 whether the party disputes the statement of
23 fact set forth in that paragraph and a
24 reference to the specific admissible portion
25 of the record supporting the party's position
26 if the fact is disputed; and (2) any
27 additional facts that establish a genuine
28 issue of material fact or otherwise preclude
judgment in favor of the moving party. Each
additional fact must be set forth in a
separately numbered paragraph and must refer
to a specific admissible portion of the
record where the fact finds support.

26 Rule 7.2, United States District Court for the District
27 of Arizona Local Rules of Civil Procedure, subparagraph (e)
28 provides:

1 (1) Unless otherwise permitted by the Court,
2 a motion including its supporting memorandum,
3 and the response including its supporting
4 memorandum, may not exceed seventeen (17)
5 pages, exclusive of attachments and any
6 required statement of facts.

7 (2) Unless otherwise permitted by the Court,
8 a reply including its supporting memorandum
9 may not exceed eleven (11) pages, exclusive
10 of attachments.

11 Subparagraph (i) provides:

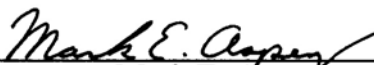
12 If a motion does not conform in all
13 substantial respects with the requirements of
14 this Local Rule, or if the unrepresented
15 party or counsel does not serve and file the
16 required answering memoranda, or if the
17 unrepresented party or counsel fails to
18 appear at the time and place assigned for
19 oral argument, such non-compliance may be
20 deemed a consent to the denial or granting of
21 the motion and the Court may dispose of the
22 motion summarily.

23 **IT IS THEREFORE ORDERED** that Plaintiff shall have
24 thirty (30) days from the date this order is filed to file any
25 response to Defendants Martin and Ryan's motion for summary
26 judgment, together with supporting affidavits or other
27 appropriate exhibits and a separate statement of facts.

28 **IT IS FURTHER ORDERED** that Defendants shall file any
reply within fifteen (15) days from the date Plaintiff's
response is filed.

IT IS FURTHER ORDERED that the motion shall be deemed
ready for decision without oral argument on the day following
the date set for filing a reply unless otherwise ordered by the
name on whose behalf it is filed.

DATED this 27th day of March, 2014.

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Mark E. Asper
United States Magistrate Judge